

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA

Plaintiff

V.

MICKEY VALCUE POLK,

Defendant;

DANIEL CASEY,

### Third Party Petitioner.

NO. CR12-5466BHS

## **STIPULATED SETTLEMENT AGREEMENT**

MICKEY VALCUE POLK,  
Defendant;  
DANIEL CASEY,  
Third Party Petitioner.

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A Smith and Wesson, model 629-5, .44 caliber revolver with serial number CDF3875, (hereinafter referred to as "the subject firearm.")

On June 17, 2013, this Court entered a Preliminary Order of Forfeiture, forfeiting Defendant Mickey Valcue Polk's interest in the subject property, pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), for violation of Title 18, United States Code, Section 922(g)(1). (*See* Docket No. 35.)

Thereafter, the United States served notice upon all persons and entities believed to have an interest in the forfeited property pursuant to Title 21, United States Code, Section 853(n), and notice of the action was published on [www.forfeiture.gov](http://www.forfeiture.gov), for at least thirty (30) consecutive days, beginning with June 30, 2013. (See Docket No. 40.)

1 On March 12, 2014, Daniel Casey filed a Petition asserting an interest in the subject  
2 firearm. (See Docket No. 46.)

3 No other person or entity has filed a petition asserting an interest in the subject  
4 firearm and the time to do so has expired.

5 This stipulated settlement agreement is entered into between the parties pursuant to  
6 the following terms:

7 1. The parties to this Agreement hereby stipulate that Petitioner Casey has an  
8 interest in the subject firearm.

9 2. The United States and Third Party Petitioner Casey agree to settle his Petition  
10 by returning the subject firearm to Daniel Casey.

11 3. Third Party Petitioner Casey agrees to release and hold harmless the  
12 United States, the United States Department of Justice, the United States Department of  
13 Justice, Federal Bureau of Investigation, and any and all agents, servants, and employees of  
14 the United States and its agencies, acting in their individual or official capacities, from any  
15 and all claims by Petitioner Casey, and/or his representatives, agents, heirs, successors, and  
16 assigns, which currently exist or which may arise as a result of the search and seizure of the  
17 subject firearm, this forfeiture action against the subject firearm.

18 4. Petitioner Casey agrees that this stipulated settlement agreement shall  
19 constitute full settlement and satisfaction of any and all claims by Petitioner Casey to the  
20 subject firearm, resulting from the incidents or circumstances giving rise to this action.

21 5. Petitioner Casey understands and agrees that by entering into this Settlement  
22 Agreement, he waives any right to litigate further any interest in the subject firearm, or any  
23 right to petition for remission or mitigation of its forfeiture.

24 6. Petitioner Casey understands and agrees that this Settlement Agreement does  
25 not make him a “prevailing party” in this action. Each party to the Settlement Agreement  
26 agrees to bear its own costs and attorneys’ fees.

7. The terms of this Settlement Agreement shall be subject to approval by the United States District Court for the Western District of Washington, and the Court shall retain jurisdiction to enforce those terms.

Respectfully submitted,

JENNY A. DURKAN  
United States Attorney

Dated: 6/13/14

s/Richard E. Cohen

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Dated: 6/12/14

s/Daniel Casey  
DANIEL CASEY  
Third Party Petitioner  
12714 247<sup>th</sup> St. E.  
Graham, WA 98338

## ORDER

19       Based upon the foregoing stipulation of the parties, this Stipulated Settlement  
20      Agreement is hereby APPROVED.

DATED this 13<sup>th</sup> day of June, 2014.

  
BENJAMIN H. SETTLE  
United States District Judge